(4)

No. 90-461

In the

Supreme Court of the United States

October Term, 1990

District of Columbia, et al.,
Petitioners,

v.

Lani Moore, et al.,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF AMICI CURIAE OF NATIONAL SCHOOL BOARDS ASSOCIATION, NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS AND AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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INTEREST OF THE AMICI

This brief is filed with consent of both parties. Letters of consent are on file with the Clerk of this Court.

Amicus curiae, National School Boards Association (NSBA), is a nonprofit federation of this nation's state school boards

associations, the District of Columbia school board and the school boards of the offshore flag areas of the United States. Established in 1940, NSBA is the only major national educational organization representing school boards and their members. Its membership is responsible for the education of more than ninety-five percent of this nation's public school children.

Each of the 16,000 school districts which NSBA represents receives or is eligible to receive financial assistance under the Education for All Handicapped Children Act of 1975, 20 U.S.C. section 1401 et seq. (EHA or the Act). The subject of this case is of great importance to school districts across the country from both an educational and financial perspective.

Amicus curiae National Association of Secondary School Principals is a voluntary association of approximately 42,000 administrators of secondary schools throughout

the United States. It was organized in 1916 to provide a voice for secondary school principals and assistant principals in the formulation of all aspects of educational policy in the United States. Many members of the National Association of Secondary School Principals are thus deeply involved in the day-to-day implementation of the EHA throughout the nation.

Amicus curiae American Association of School Administrators (AASA) is a professional association representing more than 18,000 educational leaders in North America and other parts of the world. AASA is dedicated to enhancing the professionalism of educational leaders who are the key to excellence in our schools and who generally have the ultimate administrative responsibility for supervision of the schools. AASA members are responsible for a major proportion of the nation's 100,000 schools, 2.4 million teachers, and 44 million students. AASA members are affected by court

decisions, such as the one at bar, which deal with education of the handicapped.

REASONS FOR GRANTING THE WRIT

The carefully crafted process established by Congress in the EHA to ensure that every handicapped child receives a free appropriate public education cannot thrive in an adversarial atmosphere created by the antagonism of lawyers who in their zeal to "prevail" seek confrontation rather than cooperation in adopting an individualized education program (IEP) and in the administrative hearing process. The lower court's decision awarding attorney's fees in an action brought solely for the purpose of obtaining fees, errs by fostering this statutory dysfunction.

ARGUMENT

I. The lower court's decision to award attorney's fees to plaintiffs who obtain the desired educational placement for their child through the EHA's administrative proceedings sabotages the cooperative, nonadversarial process Congress constructed to facilitate decisionmaking about appropriate educational placements and services.

A. Congress carefully drew up the EHA's administrative scheme to encourage cooperative decisionmaking between parents and schools in developing appropriate educational placements for handicapped children.

The EHA is a grant statute setting forth broad procedural mechanisms relating to the educational program to be provided handicapped children. The purpose of the Act is to ensure that each handicapped child, as defined under the statute, receives a "free appropriate public education." The statute includes a number of affirmative requirements relating to the evaluation of the child, consultation with parents and educational experts, development of an individualized education program (IEP) and, finally, specific due process

requirements. The rights guaranteed under the EHA are uniquely educational in nature.

As Petitioners point out in their brief, prior to decisions interpreting the EHA attorneys' fees provision, no court had held that a plaintiff may receive an award under a fee-shifting statute where the plaintiff receives all substantive relief without resort to judicial action. These decisions reserving attorney's fees awards only to plaintiffs who prevail in court are appropriate given that administrative proceedings are normally designed to allow the parties to resolve their differences in a forum that is less formal and adversarial than a judicial proceeding and ideally cooperative rather than confrontational. That is particularly true of the EHA's administrative scheme which forms the cornerstone of the Act.

Congress carefully crafted the administrative procedures under the EHA to ensure that parents, the school district,

teachers and other specialists work together to design an "appropriate" educational program for the child, to determine the child's unique educational needs, an appropriate placement to meet those needs, and the "related services" supporting them.

To foster cooperation between parents and the school district, the statute grants certain rights and imposes certain obligations: the right of parents to be present, to participate and to seek advice from experts in the development of the IEP; and the obligation of the school district to take into account the recommendations of the parents' educational experts and to obtain parental permission before making any change in the placement of the child, to name but a few.

The requirement that the school district conduct an IEP conference for each handicapped child is the "modus operandi" of the Act. Burlington School Committee v. Department of

Education of Massachusetts, 171 U.S. 359, 368 (1985). Under the EHA, an eligible handicapped child has the right to be evaluated periodically by a group of experts to determine the child's individual educational needs and to set individual goals for that child. Parents have substantial input into the process through notice at every stage, the right to obtain an independent evaluation which the school district must review, and ultimately, the right to a hearing when there is a dispute. Congress intended the IEP process to be a continuing cooperative process between the experts in the school district and the parents of the handicapped child.

> [It is the method] of involving the parent and the handicapped child in the provision of appropriate services, providing parent counseling as to ways to bolster the educational process at home, and providing parents with a written statement of what the school intends to do for the handicapped child.

> It is not the Committee's intention that the written statement developed at the individual planning conferences be construed as creating a contractual relationship. Rather, the Committee intends to ensure adequate involvement of the parents or guardian of the handicapped child, and the child (when appropriate) in both the statement and its subsequent review and revision . . . By changing the language of this provision to emphasize the process of parent and child involvement and to provide a written record of reasonable expectations, the Committee intends to clarify that such individualized planning conferences are a way to provide parent involvement and protection to assure that appropriate services are provided to a handicapped child.

S. Rep. No. 168, 94th Cong., 1st Sess. 11 (1975).

During debate on the Act, the sponsors discussed the IEP conference at length. Senator Stafford, for example, stated:

> [A]n extremely important aspect is the requirement that each handicapped child will have individual planning conferences. The participants will include the parents, the teacher, and a qualified supervisor or provider of special education services. . . An additional benefit that will result

> from these conferences is one that is too often overlooked. Not only will the child be better served, and the parents better informed of the limitations their child has due to a particular handicap, but the teacher will learn from this experience as well.
>
> As we look more and more toward children with handicaps being educated with their "normal" peers, we must realize, and try to alleviate the burden put upon the teacher who must cope with that child and all the others in the class as well. The teacher needs reinforcement and a better understanding of the child's abilities and disabilities.
>
> It is hoped that the participation in these conferences will have a positive effect on the attitude of the teacher toward the child and an understanding of the child's problems in relating to his or her peers because of a handicapping condition.

121 Cong. Rec. S. 10961 (daily ed. June 18, 1975).

Traditionally, the planning conferences were used as a vehicle for the school district's educational experts to discuss with the parents their child's educational problems and proposed solutions. These conferences

were traditionally informal, held in an office or classroom at the child's school. They were not unlike parent-teacher conferences held periodically between schools and parents of nonhandicapped children, except that the IEP conferences also included special education experts and others in addition to the child's regular teacher. In the past, school district lawyers rarely, if ever, attended such conferences. School attorneys acted, if at all, as advisors, not advocates. The conferences were devoted to discussing needs of the child rather than dwelling at length on the technicalities of language in the IEP document itself. The IEP document is, of course, not unimportant. But also important are the discussions between schools and parents before the document is drafted. This latter element is often missing when lawyers are involved at this stage.

This Court has recognized that Congress intended the IEP process to be a cooperative dialogue between schools and parents:

> The primary responsibility for formulating the education to be accorded a handicapped child, and for choosing the educational method most suitable to the child's needs, was left by the Act to state and local educational agencies in cooperation with the parents or guardian of the child.
>
> * * *
>
> We previously have cautioned that courts lack the 'specialized knowledge and experience' necessary to resolve 'persistent and difficult questions of educational policy.' [Citation omitted.] We think that Congress shared that view when it passed the Act. . .
>
> Entrusting a child's education to state and local agencies does not leave the child without protection. Congress sought to protect individual children by providing for parental involvement in the development of state plans and policies . . . and in the formulation of the child's individual educational program. . .

Board of Educ. v. Rowley, 458 U.S. 176, 207-208 (1982).

If the plan developed at the conference is not in line with the wishes of the parents, they have the right to seek review by a disinterested hearing examiner at a due process hearing. This, too, has traditionally been informal. The school district lawyer in many cases did not attend the due process hearing, and in some cases, the hearing examiners were not lawyers, but were college professors or others with an expertise in special education and assumed the role of a mediator.

B. Allowing a court action solely to obtain attorney's fees converts the IEP and other administrative proceedings in the EHA into expensive, time consuming, adversarial court-like proceedings.

Congress did not intend, through its passage of the attorney's fees provision in the Handicapped Children's Protection Act (HCPA), Pub. L. 99-372, 100 Stat. 796-98 (codified at 20 U.S.C. section 1415(e)(4)(B) et seq.) to change the EHA in any way.

Congress intended to retain the cooperative mechanisms of the IEP and the informal nature of the due process hearing. The sole purpose behind the HCPA was to allow attorneys' fees where the parents were forced to go to court in order to obtain a free appropriate public education for their child. Congress did not intend in the process, to obstruct the administrative scheme it had designed for ensuring that handicapped children receive a free appropriate public education. However, the lower court's decision to allow a court action solely to obtain attorney's fees achieves just that negative result.

NSBA conducted a survey of the membership of its Council of School Attorneys, an organization composed at the time of the survey of approximately 2600 attorneys representing every state and numerous school districts of varied demographics and geographies. The 10% response rate assures a 95% accuracy of the results plus or minus 5%.

The survey concerned the educational and administrative effect of the HCPA. The responses to questions requesting general comments on the EHA and the effect of the attorneys' fee provision on administration of the educational services to handicapped children reveals some disturbing trends.

1. **The educational objectives of the EHA are undermined by the ability to file a court action solely to obtain an attorney's fees award.**

The fear of large attorney's fees awards results in an educational cost. The NSBA survey asked respondents whether they believed that school districts, since passage of the HCPA, are more likely to accept the parents' educational proposal for their handicapped child solely in order to minimize attorney's fees under the Act, rather than because the proposal is educationally appropriate for the child. Forty-seven percent of the respondents answered "yes," fifteen percent said "no" and

the remainder either did not know or did not answer the question.

In the narrative section of the survey form, the respondents expanded on their answers. One attorney stated that school districts have two reasons for "giving in," one in order to minimize attorney's fees and the other to avoid conflict with the parents. Another responded that the problem of conceding to parental wishes is especially common where parents do not want to admit that their child needs special education. The schools in such cases will not insist on the services needed by the children, if the parents refuse to cooperate. Another lawyer agreed, saying that school districts tend to avoid conflicts by agreeing to parents' demands as they prefer to spend money on educational programs rather than attorney's fees. "District personnel have expressed the concern that they are being held hostage by the attorney fees provision. Application of

professional judgment is tainted by the fear of attorneys' fees." "Decisions to concede to parent demands involving services believed to be unnecessary or inappropriate are frequently the result of concern that, at the hearing, the parents will prevail on at least one of their numerous issues and thus qualify for fees."

This has also led to attorneys making demands, having little or no relationship to a free appropriate public education, which they have no hope of achieving. Parents in one Washington, D.C. suburb requested season tickets to the Washington Redskins' football games for the family as a "related service" for an emotionally disturbed child. Making such demands entails no risk; if the student's ultimate educational plan includes anything requested by the parents, their lawyers charge the school district attorney's fees. But the educational process suffers through needless delays and animosity between parents and

school personnel; Congress' carefully drawn consensus-building arrangement is for naught.

Said another respondent, "Fighting for a matter of principle has become too great a financial liability for small, underfunded districts." One respondent estimated that hearings cost $3000 to $5000 at a minimum, even if the school district wins. Because of this cost, most of this lawyer's school district clients meet the parental demands, even if they are not appropriate for the child -- a most unfortunate result. One lawyer stated that virtually all of his firm's approximately 37 school district clients confirmed a trend of accepting parental demands whether or not appropriate. Another stated:

> The threat of attorneys' fees is so overwhelming, it has become the single decisive factor in determining a school's position because they [the parents] can get attorneys' fees even if they only win on one of many issues. This process has gotten out of hand and abuses are rampant.

Another said, "districts consciously compute the cost of providing the placement/service and weigh it against the cost of attorney fees and other 'due process' costs. Child benefit is not a part of this equation."

Similarly, another stated:

> Since passage of HCPA, special education departments have been hampered by trying to out-maneuver opposing counsel while trying to offer an appropriate education for the special education child. Oftentimes, the special education department is intimidated by opposing counsel into offering a less acceptable IEP than would have been offered.

One respondent told of a case, where at a recent meeting of parents of handicapped students, a parent encouraged the others to take the school district to hearings over and over again -- even on the same losing issue. Eventually, the school district will tire of paying the costs of going to hearings and will yield. According to this respondent, hearings in the respondent's school district

have become more adversarial because the parents' attorney, who seeks an attorney's fees award, and school districts, who may have to divert money for educational programs to pay such awards, have more at stake.

One respondent to NSBA's survey stated, "the process is too formalistic and legalistic. These children need teaching, not lawyering." This statement reflects the significant educational cost of the involvement of attorneys at the administrative level.

2. The availability of attorney's fees through a court action brought solely for that purpose has transformed the IEP conference and other administrative proceedings from a decisionmaking process on educational issues into adversarial legal contests.

Following the passage of the HCPA, participation of attorneys at the IEP conference has increased. Their presence has transformed what should be an educational conference into a "pre-trial discovery"

session. According to a number of survey respondents, parents or their attorneys frequently request a hearing at the initial IEP conference without indicating what the parents are seeking for their child. Rather than treating the meeting as an educational conference, as intended by the EHA, parents' lawyers often use it to "discover" the school district's "case" and prepare for what has become an adversarial due process hearing. As a consequence, the IEP conference is rendered meaningless and the due process hearing becomes a full-blown trial with counsel for the parents sometimes displaying more interest in rules of evidence than in the development of an appropriate educational program for the child.

The presence of lawyers at the IEP conference changes the environment. No longer is it an amicable atmosphere in which schools and the parents can discuss informally the educational needs of the child. Lawyers feel

more comfortable in an adversarial setting with black and white legal issues on which they can take positions and argue until they either win or lose. Their expertise is more conducive to confrontation than consensus. Parents' counsel sometimes begin posturing from the moment they arrive at the conference. They cross-examine the special education director and other school officials and attempt to incorporate as many points as possible into the IEP in order to preserve issues for the due process hearing. Under such circumstances, the IEP conference becomes formal, confrontational and legalistic with little opportunity for dialogue. Both parents and school people are less likely to develop openly an appropriate educational plan for the child in a cooperative spirit; instead, the attorneys for both parties conduct "negotiations." With lawyers involved, the IEP conference does not have a chance to work

the way Congress intended when it passed the EHA.

Parents' attorneys also seek to sabotage the IEP conference for another reason -- to ensure that they are paid even when the school district would be willing to give the parents what they want from the outset. One survey respondent reported hearing an attorney who represents handicapped children state at a recent conference that he advises his clients to involve legal counsel early and to demand a hearing as soon as possible. In this way, if the parties settle before a hearing, the parents can go to court and request fees as prevailing parties simply because they requested certain services and the school district was agreeable. This strategy paid off in the case of Joiner v. District of Columbia, 16 EHLR 424, (D.D.C. 1990), where a court awarded fees even though the school district had prevailed at the hearing. Sometimes when counsel for the parents and the

school officials reach an agreement as to an IEP, it is labeled a "consent agreement" and includes language stating that the parents are the "prevailing party." Without the involvement of lawyers and the unpleasant feelings created by their adversarial nature, the school and parents could likely have developed a mutually satisfactory educational plan appropriate to the child's needs earlier during the IEP conference, had the process been allowed to progress on its ordinary course as contemplated by the EHA.

An indication that the IEP process is not functioning as envisioned by Congress is the not infrequent situation where, at the conclusion of the conference, the school district still does not know what the parents want. This arises when parents and their counsel refuse to tell the school district either what they want for the child or what they believe is wrong with the program presently offered or proposed to be offered by

the school district. The school learns the parents' demands for the first time when it is served with a "due process complaint."

At least one court has recognized that such tactics disserve the very interests of handicapped children that the Act is intended to protect and, therefore, denied attorney's fees to plaintiffs. In Johnson v. Bismarck Public School District, No. A1-90-144 (D.N.D. Oct. 15, 1990), a U.S. district court found that neither the parents nor the parents' lawyer shared any of their concerns about the child's IEP during the two months in which the parents were represented by the attorney. The attorney received a postponement of the IEP meeting and failed to attend the rescheduled meeting. The school district officials called him at which time he told them he had forgotten about the meeting. A week later the attorney filed a "due process complaint." The school district complied with all of the requests in the complaint and the attorney

filed a request for attorney's fees. Interestingly, the bill included the time spent on the telephone when the school called the lawyer to ask why he had not attended the conference. The court in granting summary judgment for the school district, stated:

> Although Plaintiff obtained the relief sought in the due process complaint and could be construed as the prevailing party, the court is left with the belief that the same relief and assistance for Michael could have been obtained sooner and without the complaint had Plaintiff specifically made known her requests. Although the court's authority to reduce fees under Title 20 U.S.C. section 1415(e)(4)(F)(i), for unreasonably protracting the final resolution, arguably applies to a parent's actions once the action has commenced (and the action commences with the filing of the complaint) the court finds that the final resolution was unreasonably and unnecessarily protracted due to Plaintiff not making known to Defendant her specific requests prior to the filing of the due process complaint.
>
> Plaintiff's brief in support of the motion for summary judgment points out the importance of protecting the rights of handicapped children. The court could not agree more. To advocate for the rights and needs of

> a handicapped child, however, is not to remain silent until one has met the procedural requirements for an award of attorney's fees.

Slip op. at 5-6.

3. Parents' attorneys are misinterpreting and the lower courts are misapplying the "prevailing party" standard.

Although the survey instrument did not expressly raise the issue of "prevailing party," a number of respondents expressed serious concern as to whether the term is appropriate in the context of EHA administrative proceedings, which Congress intended to be cooperative and not adversarial. One respondent wrote:

> [M]uch of the problem lies in the "prevailing party" standard which may work adequately in other civil rights cases which have "verdicts" which are easier to label who prevails. It is an oxymoron to have prevailing parties at IEPC's [individualized education program conference] or at due process hearings in light of the collegial process recognized by the Court in Rowley [Board of Education v. Rowley, 458 U.S. 176 (1982)] and Burlington [Burlington School Committee v. Department of Education

of Massachusetts, 471 U.S. 359 (1985)].

Under other fee-shifting provisions, the "prevailing party" is the one who defeats another party in an adversarial contest where the parties have sharply opposing positions. In EHA cases where the matter is resolved at the administrative level, the parties may not have divergent interests. Although the parents may "prevail" in the sense that they accomplish their purpose, the same might also be said of the school district; an agreement on the appropriate educational program for the child means that they both achieve their end. If, however, the parents must go to court to obtain an appropriate educational program for their child, then and only at that level do they truly "prevail" in the sense intended by the fee-shifting provision. Amici believe that the Congress was correct in requiring payment of fees in this later stage. To allow fees only if the dispute reaches the level of

judicial review is consistent with Congress' intent that the fee-shifting provision under the EHA be interpreted in the same fashion as the courts have interpreted fee-shifting provisions under other federal statutes, i.e., the right to attorney's fees is established only if the party must go to court to obtain substantive relief.

That school districts are receiving bills from parents' lawyers even where the school district does not contest the demands of the parent reflects the misapplication of the prevailing party concept at the administrative level. Two respondents stated that their clients had received bills from attorneys after IEP conferences which the parents' attorney did not even attend. The school district did not know the parents had consulted with an attorney until the school district received the bill. These parents contended that they "prevailed" although the school district never disputed the parents

demands either because the school district agreed with the parents or because the school district wanted to avoid a controversy with the parents.

One respondent noted that parents are seeking attorneys' fees even where they are merely requesting minor changes in their child's educational program that have little or nothing to do with the child's handicap, such as a request to change an English class from first to second period.

It should also be noted that education is an art, not a science. Therefore, it is possible for reasonable minds to disagree on educational issues. A school district might have a good faith disagreement with the parent as to the educational needs of the child. At some point during the IEP and administrative process, the school district may decide to accede to the parents' wishes. Some courts have treated the parents in such situations as prevailing parties. Under this

interpretation, if the parents have consulted counsel, their attorneys are entitled to attorneys' fees from the school district even if all participants agree to an IEP plan at the IEP conference -- an absurd result.

4. Attorney's fees awards in judicial proceedings brought solely for that purpose result in misallocation of educational dollars.

The economic costs to the school district include not only the expense of attorney's fees but also the increase in staff time and other administrative costs due to the contentious nature of the proceeding provoked by the presence of attorneys.

Respondents to the survey were requested to indicate the financial result of requests for attorney's fees at the administrative level. Because many of the cases were handled by the school districts without the assistance of their attorneys or because the attorneys themselves did not know the amount of the attorney's fee requests, only a limited number

of respondents were able to provide actual figures. Appendix A consists of a table showing the amount of the fees paid to parents' counsel at each level of the administrative process. The insurance carrier for one state stated that the average cost of representation at the administrative level is between $40,000 and $50,000.

Sometimes school districts have little choice but to pay questionable amounts in attorney's fees in order to avoid the additional cost of paying their own lawyer to challenge the amount in a lawsuit filed by the parents' attorney solely for that purpose. The school district must accept the statement of fees submitted by the parents' attorney as correct unless it is willing to risk the expense of an entirely new lawsuit filed for that purpose. In the wealthier school districts, where parents can hire high priced attorneys, the bill can be very steep. In the poorer school districts, scarce resources are

taken away from pressing educational programs and services to pay legal fees. Although school board attorneys often reduce their regular charges for their client school boards, the opposite is true for parents' lawyers. Private attorneys representing parents will often bill school districts at their highest rates and attorneys for publicly funded advocacy groups frequently charge the rate billed by partners in highly paid law firms in town. Often the school district is billed for hours worked before the school district has even been made aware of the parents' demands.

C. Congress did not intend the attorney's fees provision of the EHA to cause financial and educational disruption in the administration of the Act.

It is evident from the discussion above that lower court interpretations permitting actions for attorney's fees alone, are causing great financial hardship and educational disruption in the administration of the EHA.

In addition, as documented above, the interpretations of the lower court in the instant case and other courts of appeals have achieved the bizarre result of, in effect, repealing the EHA'S cooperative educational processes and transforming the administrative process into full scale adversarial proceedings which benefits the lawyers but does not necessarily serve the interests of handicapped children. If Congress had intended to apply the fee-shifting provisions of the EHA in a different manner than all other fee-shifting provisions and to make such enormous changes in the administration of the EAHCA, then Congress should have made that clear in the language of HCPA. It did not do so.

CONCLUSION

Since attorneys have become involved in the administrative process, school districts have been shifting their efforts from education to litigation control. Private

lawyers hide their lack of knowledge about the educational process and the purpose of the IEP requirement, behind bravado and antagonistic posturing. Lawyers for handicap advocacy groups often bring to the IEP conference a presumption that school people are acting in bad faith; they attempt to cram everything possible into the IEP in order to set precedents and open "new frontiers." In both scenarios -- in order to avoid attorney's fees -- school districts are forced to plan litigation strategies instead of strategies for providing an appropriate education for the child.

It is the nature of school people to want to do what is best for the child. Their predisposition to help children often is what motivated them to choose education as their life's work. But when attacked or intimidated by lawyers at the IEP conference, they naturally become defensive, causing the IEP process to begin deteriorating. They are

forced to take a path contrary to their mission. The school district may accede to parental demands without regard to their appropriateness, thus ignoring its legal obligation to students. Alternatively, if the school district attempts to persuade parents that their demands are not educational sound, the parents may abort the IEP process by refusing to discuss anything further and move directly to a hearing. Congress certainly did not envision this appalling result when it enacted either the EHA or the HCPA. Such problems did not exist before courts began to interpret the HCPA as allowing fees solely for work performed at the administrative level. Schools cannot properly fulfill their obligations to handicapped children under the current judicial interpretation of the HCPA. The carefully crafted process created by Congress to ensure that every handicapped child receives a free appropriate public

education cannot function in an atmosphere polluted by antagonism.

Amici urge this Court to review this case and correct the grievous error of the lower court in its misinterpretation of the words of the statute and of the precedents of this Court.

Respectfully submitted,

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APPENDIX

I. Pre-I.E.P. conference
II. Post-I.E.P. conference
III. Pre-hearing
IV. Administrative hearing
V. Post-administrative hearing
VI. Appeal to state department of education

I	II	III	IV	V	VI
600	6,000	20,000	40,000	65,000	40-50,000*
	5,000	17,000	40,000	33,000	21,000
	2,210	12,000	29,000	7,500	8,875
		8,000	17,000	6,000	5,170
		7,500	15,000	5,600	5,000
		5,000	13,050	2,971	4,300
		3,800	10,830	2,000	3,637
		3,200	7,500	600	

* Estimate of the insurance carrier for one state of the average representation at administrative level alone.

I. Pre-I.E.P. conference
II. Post-I.E.P. conference
III. Pre-hearing
IV. Administrative hearing
V. Post-administrative hearing
VI. Appeal to state department of education

I	II	III	IV	V	VI
		3,000	7,500		
		3,000	7,050		
		2,000	6,500		
		2,000	6,000		
		1,600	5,000		
		1,600	5,000		
		1,530	5,000		
		1,500	5,000		
		1,200	4,022		
		405	3,468		

I. Pre-I.E.P. conference
II. Post-I.E.P. conference
III. Pre-hearing
IV. Administrative hearing
V. Post-administrative hearing
VI. Appeal to state department of education

I	II	III	IV	V	VI
			3,357		
			2,500		
			2,095		
			2,000		
			2,000		